

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONNIE LEE DENNIS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-377-D
)	
ROGER LEVICK, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, a prisoner appearing *pro se* filed this action pursuant to 42 U.S.C. §1983, alleging a violation of his constitutional rights. United States District Judge Timothy D. DeGiusti has referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). For the reasons set forth herein, the undersigned recommends that the complaint be dismissed without prejudice, due to Plaintiff's failure to cure the deficiency in his motion for leave to proceed in forma pauperis.

Plaintiff submitted a motion to proceed in forma pauperis at the time he filed his complaint on April 13, 2010. However, as the motion was missing a copy of Plaintiff's institutional accounts for the required six month period and was missing a certification by an authorized officer of the jail, the undersigned entered an order on April 16 giving the Plaintiff until May 3 to cure the deficiencies. Plaintiff responded by filing another motion to proceed in forma pauperis. The motion was also lacking the required certification and the required copies of Plaintiff's institutional accounts. However, Plaintiff stated that jail officials had failed to provide the required information despite his request. By an order dated

April 27, the undersigned noted that he has not seen any county, state or federal institution refuse to provide the information regarding a prisoner's account when requested to do so by the prisoner. Plaintiff was advised that he could provide a copy of the April 27 order to the appropriate Jackson County Jail officials to expedite curing the deficiency and the undersigned sua sponte gave the Plaintiff an extension to May 14, 2010 to cure the deficiency.

A review of the court file reveals that as of this date, Plaintiff has not cured the deficiency, paid the filing fee, requested an extension of time within which to pay, or demonstrated any cause for his failure to pay. Therefore, the undersigned recommends that this action be dismissed without prejudice to refiling. LCvR 3.4(a).

RECOMMENDATION

Accordingly, because Plaintiff has neither cured the deficiency in his motion for leave to proceed in forma pauperis as ordered by this court nor shown good cause for such failure, it is recommended that this action be dismissed without prejudice to refiling. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by June 22, 2010, in accordance with 28 U.S.C. §636 and Fed. R. Civ. P. 72. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. Moore v. United States, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 2nd day of June, 2010.



DOYLE W. ARGO
UNITED STATES MAGISTRATE JUDGE